

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)	
)	
GTE CORPORATION,)	
Transferor,)	
)	
and)	
)	
BELL ATLANTIC CORPORATION,)	CC Docket No. 98-184
Transferee)	
)	
For Consent to Transfer Control of Domestic)	
and International Sections 214 and 310)	
Authorizations and Application to Transfer)	
Control of a Submarine Cable Landing)	
License)	

CONSENT DECREE

I. Introduction and Background

1. The Federal Communications Commission (the "Commission") and Verizon Communications Inc. ("Verizon" or "Company") hereby enter into this Consent Decree for the purpose of modifying Condition V, and specifically Attachment A, of the *Bell Atlantic/GTE Merger Order*¹ ("Condition V") to modify the timing of the joint review of the measurements contained in the Carrier-to-Carrier Performance Assurance Plan.

2. Conditions were proposed by Bell Atlantic and GTE and adopted by the Commission when it approved Bell Atlantic's and GTE's license transfer application. Among other conditions in the *Bell Atlantic/GTE Merger Order*, the Commission adopted Bell Atlantic's and GTE's proposed commitment to implement a Carrier-to-Carrier Performance Assurance Plan.² Condition V provides, among other things, that Verizon and the Chief of the Wireline Competition Bureau will jointly review the measurements on a semi-annual basis, and further provides that Verizon will notify the Chief of the Wireline Competition Bureau of changes to the measurements by the New York or California State commissions. The Chief of the Wireline Competition Bureau is to determine, at the next semi-annual review, whether and when Verizon should adopt such changes.

¹ Application of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License, CC Docket No. 98-184, *Memorandum Opinion and Order*, 15 FCC Rcd 14032 (2000) ("*Bell Atlantic/GTE Merger Order*").

² *Bell Atlantic/GTE Merger Order* at Appendix D, ¶¶ 16-17, and Attachment A.

II. Definitions

3. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) The "Commission" or "FCC" means the Federal Communications Commission and all divisions of the Commission, including the Wireline Competition Bureau.
 - (b) "Verizon" or "the Company" means "Bell Atlantic/GTE" as defined in Appendix D of the *Bell Atlantic/GTE Merger Order*, including any successors or assigns of such companies that provide wireline telephone exchange service and that are affiliates of Bell Atlantic/GTE, except that it shall not include The Micronesian Telecommunications Corporation (to which Condition V does not apply).
 - (c) "New York and California State commissions" means the New York Public Service Commission and the California Public Utility Commission.
 - (d) "Plan" means the Carrier-to-Carrier Performance Assurance Plan set out in Condition V of the *Bell Atlantic/GTE Merger Order* as that Plan may be modified from time-to-time.
 - (e) The "Parties" to this agreement are Verizon and the Commission.
 - (f) "Order" or "Adopting Order" means an order of the Commission adopting this Consent Decree.
 - (g) "Final Order" means an order that is no longer subject to administrative or judicial reconsideration, review, appeal, or stay.

III. Agreement

4. The Commission and Verizon agree to modify Condition V, Attachment A, ¶ 4, as set forth in Appendix 1 to this Consent Decree, to provide that certain changes to measurements approved by the New York or California State commissions will be implemented without need for further action by the Commission, and to modify the timing of the Commission's and Verizon's joint review of the measurements in the Plan.

5. The Parties further agree that Condition V will remain unchanged in all other respects. The Commission and Verizon agree that the changes to Condition V, in and of themselves, will impose no additional burden or financial obligation on Verizon. Changes to the Plan as a result of action by the New York and California State commissions, however, may result in additional burdens or financial obligations on Verizon.

6. Verizon waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Order adopting this Consent Decree, provided the Order adopts the Consent Decree without change, addition, or modification.

7. The Commission and Verizon agree that the effectiveness of this Consent Decree is expressly contingent upon issuance of an Order that is consistent with the Consent Decree and which adopts the Consent Decree without change, addition, or modification.

8. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

9. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Order adopting this Consent Decree, neither Verizon nor the Commission shall contest the validity of the Consent Decree or Order.

10. Any violation of the Consent Decree or Adopting Order will constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

11. The Commission and Verizon agree that this Consent Decree does not constitute either an admission by Verizon or an adjudication or a factual or legal finding or determination concerning Verizon's compliance or noncompliance with the requirements of the *Bell Atlantic/GTE Merger Order*, including Condition V, the Communications Act of 1934, as amended, and the Commission's implementing rules.

12. The Parties agree that this Consent Decree shall become effective thirty days after the release of the Adopting Order. The Parties further agree that adoption of this Consent Decree also supercedes the requirement for the third semi-annual review as described in original paragraph 4 of Attachment A to Appendix D of the *Bell Atlantic/GTE Merger Order*.

13. This Consent Decree may be signed in counterparts.

FEDERAL COMMUNICATIONS COMMISSION

By: _____

Marlene H. Dortch, Secretary

VERIZON COMMUNICATIONS, INC.

By:  _____

Gordon Evans
Vice President – Federal Regulatory

APPENDIX 1

Paragraph 4 of Attachment A to Appendix D of the *Bell Atlantic/GTE Merger Order* shall be amended to read as follows:

4. Bell Atlantic/GTE and the Chief of the Wireline Competition Bureau shall jointly review the Bell Atlantic/GTE measurements semi-annually, as deemed necessary by either party, to determine whether measurements should be added, deleted, or modified. Bell Atlantic/GTE shall provide the Chief of the Wireline Competition Bureau with notice³ of any changes to the design or calculation of these measurements adopted by the New York or California State commissions within thirty days of adoption of such changes.⁴ The implementation schedule for changes approved by the New York or California State commissions and recommended by Verizon in the notice to the Chief of the Wireline Competition Bureau will be provided with such notice. Bell Atlantic/GTE shall implement changes approved by the New York or California State commissions and recommended by Bell Atlantic/GTE according to Bell Atlantic/GTE's implementation schedule unless, within 10 business days of Verizon's notice of the changes, the Chief of the Wireline Competition Bureau notifies Bell Atlantic/GTE not to implement them. The Chief of the Wireline Competition Bureau shall determine whether any other changes proposed by Verizon shall be implemented. Bell Atlantic/GTE and Commission staff shall meet within 60 days of the Merger Closing Date to agree on the format for the measurement reports.

³ To facilitate a timely review, Bell Atlantic/GTE shall provide notice of any changes by electronic mail as well as conventional mail.

⁴ Such "design or calculation of these measurements" refers to the measurements' business rules, the initial versions of which are contained in Appendix D, Attachments A-2a and A-2b. State changes affecting other aspects of state performance plans, e.g., calculation of payments, shall not be implemented in the carrier-to-carrier performance plan without further discussion between the Wireline Competition Bureau and Bell Atlantic/GTE.